

ORIGINAL

BEFORE THE
Federal Communications Commission

WASHINGTON, D.C. 20554

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JAN - 9 2004

In the Matter of

Amendment of Section 73.202(b),
Table of Allotments,
FM Broadcast Stations.
(Hayden, Colorado)

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Federal Communication Commission
Bureau / Office

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JAN - 9 2004

Federal Communication Commission
Office of the Secretary

TO: Chief, Allocations Branch

PETITION FOR RULEMAKING

Laramie Mountain Broadcasting, LLC ("LMB") requests the allocation of Channel 289C2 to Hayden, Colorado as its third local commercial FM allotment. The Commission's database indicates that 289C2 has been reserved for Hayden, Colorado, presumably as a result of an earlier filed Petition for Rulemaking.¹ LMB requests allocation of Channel 289C2 to Hayden, Colorado utilizing a new allotment point which would result in significant public interest benefits.

As detailed more specifically in the attached Technical Statement, LMB is aware that the Commission has reserved in its database Channel 289C2 for Hayden, Colorado. LMB however is unaware of any Notice of Proposed Rulemaking yet issued for the allocation to Hayden. LMB requests that in issuing a Notice of Proposed Rulemaking for allocation of 289C2 to Hayden, Colorado that the Commission specify a new allotment point at 40° 36' 45" N, 107° 18' 02" W (the "New Allotment Point")

There are significant public interest benefits in the New Allotment Point as opposed to the allotment point at 40° 40' 14" N, 105° 24' 24" W proposed in the Commission's database. First, the New Allotment Point would eliminate short spacing with a pending one step upgrade application filed by LMB for KKHI-FM, Timnath, Colorado (File No. BMPH-20031027AAB). The one step upgrade from 288C2 to 288C1 proposed by KKHI-FM in Timnath, Colorado would result in

¹ Petition for Rulemaking filed by Dana J. Puopolo requesting allocation of Channel 289C2 to Hayden, Colorado

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additional service to many thousands of additional people. Secondly, the New Allotment Point is located further west, which will require less of a site restriction than is currently proposed for Channel 289C2. Lastly, the New Allocation Point proposed by LMB will also eliminate the small amount of short spacing with KALC, Denver, Colorado on Channel 290C, and KWGL, Ouray, Colorado on Channel 289C resulting from the current allotment point and will allow these stations more of a spacing buffer.

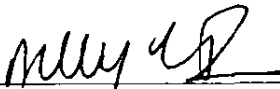
The attached Technical Statement fully supports the allotment of channel 289C2 to Hayden, Colorado at the New Allotment Point. LMB respectfully requests that Channel 289C2 be allocated at Hayden, Colorado at proposed allotment point 40° 36' 45" N, 107° 18' 02" W.² LMB proposes that the Commission's Table of Allotments 73.202(b) be amended as follows:

	<u>Present</u>	<u>Proposed</u>
Hayden, Colorado	230C3, 297C2	289C2, 297C2, 230C3

In the event Channel 289C2 is allocated to Hayden, Colorado, LMB will participate in an auction for the station, file an application for a construction permit and, if its application is granted, will build the station.³

Respectfully submitted,

LARAMIE MOUNTAIN BROADCASTING, LLC

By 
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January 9, 2004

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² LMB also supports allotment of 289C2 to Hayden using an alternate allotment point provided such allotment point meets spacing requirements for the proposed allotment of 288C1 at Timnath, Colorado.

³ As also demonstrated in the attached Technical Statement, in the event the Commission determines that it does not wish to move the proposed allotment point for Channel 289C2, LMB has identified an alternate substitute C2 channel available for Hayden, Colorado (Channel 265C2).

TECHNICAL STATEMENT

This technical statement is filed on behalf of Laramie Mountain Broadcasting, LLC ("LMB") supporting the allotment of channel 289C2 to Hayden, Colorado and to support the one-step upgrade of KKHI-FM Timnath, Colorado from channel 288C2 to channel 288C1.

LMB supports the allotment of channel 289C2 to Hayden, Colorado as its third local commercial FM allotment. Figure 1 of this statement shows that channel 289C2 can be allotted to Hayden, Colorado and meet all of the spacing requirements under 73.207 of the Commission's rules, with the exception of a new proposed allotment at Hayden, Colorado. While the Commission has not yet released a Proposed Rule Making to allot channel 289C2 to Hayden, Colorado, the channel study shows that the Commission has reserved channel 289C2 for Hayden, Colorado in its database. LMB assumes that this reservation is in response to a Petition for Rule Making for a new allotment for Hayden. If this is the case, LMB supports this proposed rulemaking to allot channel 289C2 to Hayden, providing that it does not interfere with the planned one-step upgrade of KKHI-FM at Timnath, Colorado from channel 288C2 to Channel 288C1.

Figure 2 shows the current proposed allotment point for Hayden, Colorado in the Commission's database. As can be seen, this allotment point is short spaced with the pending one-step upgrade application filed by LMB for KKHI-FM Timnath, Colorado, file number *BMPH-20031027AAB*.

The proposed allotment point for channel 288C1 at Timnath, Colorado is located at 40 – 40 – 14 N, 105 – 24 – 24 W. Figure 3 shows the spacing study for channel

288C1 at Timnath, Colorado This study shows the short spacing with the new proposed allotment at Hayden, Colorado LMB proposes a new allotment point located further west for Hayden, Colorado, which will actually require less of a site restriction than is currently proposed for channel 289C2 at Hayden. A new allotment point will increase the current spacing between the two allotment points from 146.5 kilometers to 160.3 kilometers. The required spacing between the two allotment points is 158 kilometers, class C2 and a class C1, first adjacent channel.

It also shows a short spacing with the licensed facilities of KREO Pine Bluffs, Wyoming on channel 287A and the licensed facilities of KRRR Cheyenne, Wyoming on channel 285A. However, both of these two stations are under common ownership with LMB, and both stations have received Construction Permits (BPH-20030707ADZ for KRRR and BPH-20030605ACW for KREO) to move to conforming transmitter locations for the proposed allotment point for channel 288C1 at Timnath, Colorado. Both KREO and KRRR are operating from these new (CP) tower sites and have filed applications for a new license, FCC form 302-FM (KRRR, BLH-20031125AIV, and KREO BLH-20031125AJQ).

The allotment point spacing study for channel 288C1 at Timnath also shows a short spacing with an application filed by KSKX(FM) Security, Colorado. This application is specifying processing under 73.215 of the commission's rules. It should be noted that the allotment point for channel 288C2 at Security, Colorado specified in the *KSKX application meets the spacing requirements under 73.207* for the proposed allotment point for channel 288C1 at Timnath, Colorado.

Thus, all of the apparent short spacing issues for the allotment point for channel 288C1 at Timnath, Colorado have been addressed.

LMB supports the new allotment at Hayden, Colorado, if a new allotment point can be specified for channel 289C2 at Hayden which allows for the upgrade of KKHI-FM at Timnath, Colorado.

LMB proposes the allotment point for Hayden, Colorado be located at: 40 – 36 – 45 N. 107 – 18 – 02 W. This allotment point will actually require less of a site restriction than the current allotment point proposed in the commission's database. The current allotment point proposed is located 15 kilometers northeast of the community of Hayden. The allotment point proposed by LMB is located 13.9 kilometers north of Hayden.

It should also be noted that the current allotment point for Hayden is 0.26 kilometers short spaced with KALC Denver, Colorado on channel 290C. It is also 0.14 kilometers short spaced with KWGL Ouray, Colorado on channel 289C. While this small amount of short spacing is within the commission policies on rounding to the nearest kilometer, it will needlessly reduce the future spacing flexibilities of these two stations. The proposed allotment point for Hayden by LMB will give both of these stations more of a spacing buffer, and as mentioned, actually require less of a site restriction needed for channel 289C2 at Hayden.

If for some reason the commission does not wish to move the proposed allotment point for Hayden for channel 289C2, LMB has identified an alternate substitute C2 channel available for Hayden, Colorado. Channel 265C2 can be allotted to Hayden,

Colorado if necessary. Figure 4 shows a channel spacing study showing that channel 265C2 can be allotted to Hayden, Colorado if necessary.

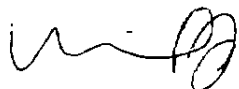
LMB proposes the following changes to the Commission's table of allotments as follows

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Hayden, Colorado	230C3, 297C2	230C3, 289C2, 297C2
Timnath, Colorado	288C2	288C1

LMB supports the allotment of channel 289C2 to Hayden, Colorado at its proposed allotment point, or at an allotment point that meets spacing requirements for the proposed allotment point for channel 288C1 at Timnath, Colorado. It also supports the upgrade of the allotment of channel 288C2 at Timnath, Colorado to channel 288C1.

LMB has already filed a one-step upgrade application for KKHI-FM Timnath, Colorado to specify operation on channel 288C1. LMB will also file an application to operate a new station at Hayden, Colorado if the Commission decides to allot channel 289C2 at Hayden, Colorado, during any window filing period or auction conducted by the Commission.

Respectfully Submitted,



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January 2, 2004

FIGURE 1 - New Proposed Allotment Point
Hayden, Colorado - Channel 289C2

REFERENCE
40 36 -5 N
107 18 02 W

CLASS - C2
Current Spacings

DISPLAY DATES
DATA 01-02-04
SEARCH 01-05-04

----- Channel 289 - 105.7 MHz -----

Call	Channel	Location	Dist	Azi	FCC	Margin
RADD	ADD 289C2	Hayden	CO 14.23	100.1	190.0	-175.77
KWGL	LIC 289C	Ouray	CO 249.08	187.5	249.0	0.08
KKHIFM	APP-N 288C1	Tirnath	CO 166.95	89.2	158.0	8.95
KKHIFM	APP-N 288C1	Tirnath	CO 166.95	89.2	158.0	8.95
KKHIFM	APP-N 288C1	Tirnath	CO 166.95	89.2	158.0	8.95
KA_C	LIC-D 290C	Denver	CO 201.10	118.5	188.0	13.10
KA_C.C	CP 290C	Denver	CO 201.20	118.5	188.0	13.20
KKHIFM	CP-N 288C2	Tirnath	CO 166.95	89.2	130.0	36.95
KRKV	LIC-N 292C3	Kremmling	CO 98.94	132.8	56.0	42.94
KZ'S	LIC 287C	Rifle	CO 148.91	208.5	105.0	43.91
KKHIFM	LIC-N 288C3	Laramie	WY 173.38	63.7	117.0	56.38
KLCYFM	APP-N 288C2	Vernal	UT 203.27	268.4	130.0	73.27

FIGURE 2 - Current Proposed Allotment Point
Hayden, Colorado - Channel 289C2

REFERENCE		DISPLAY DATES
0 33 24 N	CLASS = C2	DATA 01-02-04
10 09 08 W	Current Spacings	SEARCH 01-05-04
----- Channel 289 - 105.7 MHz -----		

Call	Channel	Location	Dist	Azi	FCC	Margin
RADD	ADD 289C2	Hayden	CO 0.00	0.0	190.0	-190.00
KKHFM	APP-N 288C1	Timnath	CO 152.99	88.3	158.0	-5.01
KZ-FM	APP-N 288C1	Timnath	CO 152.99	88.3	158.0	-5.01
KKHFM	APP-N 288C1	Timnath	CO 152.99	88.3	158.0	-5.01
KALC	LIC-D 290C	Denver	CO 187.64	120.0	188.0	-0.36
KALC.D	CP 290C	Denver	CO 187.74	119.9	188.0	-0.26
KWGL	TIC 289C	Ouray	CO 248.86	190.9	249.0	-0.14
KKHFM	CP -N 288C2	Timnath	CO 152.99	88.3	130.0	22.99
KKKY	LIC-N 292C3	Kremmling	CO 87.29	138.0	56.0	31.29
KKHFM	TIC-N 288C3	Lamarie	WY 162.12	60.8	117.0	45.12
KZKS	TIC 28 C	Rifle	CO 154.04	213.7	105.0	49.04

FIGURE 3- Proposed Allotment Point
KKH1-FM Timnath, Colorado - Channel 288C1

REFERENCE

40 40 14 N

105 24 24 W

CLASS = C1

Current Spacings

DISPLAY DATES

DATA 01-02-04

SEARCH 01-05-04

----- Channel 288 - 105.5 MHz -----

Call	Channel	Location	Dist	Azi	FCC	Margin
KKH1FM	APP-N 288C1	Timnath	CO 8.90	131.5	245.0	-236.10
KKH1FM	APP-N 288C1	Timnath	CO 8.90	131.5	245.0	-236.10
KKH1FM	APP-N 288C1	Timnath	CO 8.90	131.5	245.0	-236.10
KKH1FM	CP -N 288C2	Timnath	CO 8.90	131.5	224.0	-215.10
KKH1FM	LIC-N 288C3	Laramie	WY 68.58	357.4	211.0	-142.42
KALD	ADD 289C1	Hayden	CO 146.50	267.0	158.0	-11.50
KPTD	LIC 287A	Pine Bluffs	WY 124.89	63.4	133.0	-8.11
KSKXA	APP-N 288C2	Security	CO 218.90	167.5	224.0	-5.10
KSKXA	APP-Z 288C2	Security	CO 218.90	167.5	224.0	-5.10
KRRR	LIC 285A	Cheyenne	WY 70.59	44.2	75.0	-4.41
RDEL	DEL 285A	Cheyenne	WY 70.59	44.2	75.0	-4.41
RADD	ADD 288C2	Security	CO 223.94	167.2	224.0	-0.06
KALC	LIC-T 290C	Denver	CO 105.10	172.1	105.0	0.10
KALC.C	CP 290C	Denver	CO 105.14	172.0	105.0	0.14
KRRR.C	CP -N 285C2	Cheyenne	WY 79.23	49.1	79.0	0.23
KREC.C	CP 287A	Pine Bluffs	WY 136.39	59.3	133.0	3.39
RADD	ADD 285C2	Cheyenne	WY 85.50	39.9	79.0	6.50
KSKX	LIC 288C3	Security	CO 218.90	167.5	211.0	7.90
RDEL	DEL 288C3	Security	CO 218.90	167.5	211.0	7.90
KXKLFM	LIC 286C	Denver	CO 120.05	171.9	105.0	15.05
ALLO	VAC 288C3	Genoa	CO 230.00	127.8	211.0	19.00
RDEL	DEL 288C3	Genoa	CO 230.00	127.8	211.0	19.00
ALLO	VAC 289A	Wheatland	WY 158.33	13.7	133.0	25.33
KRKSFM	LIC-D 234C	Lafayette	CO 66.62	176.1	41.0	25.62
KPXX	LIC 289C3	Sterling	CO 193.92	93.8	144.0	49.92
ALLO	VAC 288A	Mills	WY 253.88	342.0	200.0	53.88
KZKS	LIC 287C	Rifle	CO 269.96	240.2	209.0	60.96
KRKSFM	CP 234C	Lafayette	CO 110.65	183.5	41.0	69.65

FIGURE 4 - Alternate Channel Allotment Point
Hayden, Colorado - Channel 265C2

REFERENCE

40 38 52 N

107 08 22 W

CLASS = C2

Current Spacings

DISPLAY DATES

DATA 01-02-04

SEARCH 01-05-04

----- Channel 265 - 100.9 MHz -----

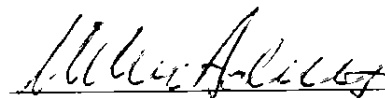
Call	Channel	Location	Dist	Azi	FCC	Margin
KTUN	LIC	268C Eagle	CO 105.05	164.0	105.0	0.05
EDFT	DFT	268C Eagle	CO 105.05	164.0	105.0	0.05
KHCO.C	CF	211C3 Hayden	CO 17.11	218.1	17.0	0.11
KOST	LIC-D	266C Denver	CO 191.59	121.7	188.0	3.59
RADD	ADD	266C1 Dinosaur	CO 164.74	254.8	158.0	6.74
ALLO	VAC	265A Bairoil	WY 180.78	349.1	166.0	14.78
RDEL	DEL	266A Wamsutter	WY 133.45	328.8	106.0	27.45
ALLO	VAC	266A Wamsutter	WY 133.45	328.8	106.0	27.45
ALLO	VAC	262C Sinclair	WY 133.56	0.9	105.0	28.56
KCLZ	LIC	264C1 Cheyenne	WY 186.70	73.6	158.0	28.70
ALLO	VAC	265C3 Reliance	WY 206.58	304.1	177.0	29.58
RADD	ADD	265C3 Reliance	UT 206.58	304.1	177.0	29.58
RADD	ADD	265C2 Gunnison	CO 225.75	177.3	190.0	35.75
KXOZFM	LIC	264C1 Grand Junction	CO 222.91	218.4	158.0	64.91

CERTIFICATE OF SERVICE

I, Millie Adams, in the law offices of Gammon & Grange, P.C., hereby certify that I have sent this 9th day of January, 2004, by first-class, postage prepaid, U.S. Mail, copies of the foregoing PETITION FOR RULEMAKING to the following

Mr John A Karousos
Assistant Chief, Audio Division
Office of Broadcast License Policy
Federal Communications Commission
445 12th Street, S.W., Room 3-A266
Washington, D C 20554

Dana J. Puopolo
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